BILL NO. Z-88-07-20 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-06-89

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot No. 53 Ludwig Park Addition to the City of Fort Wayne, recorded in Plat Record 23, pages 49 & 50, excepting therefrom the E 4 feet sold off as described in Deed Record 529, pg. 501,

Lot No. 54 Ludwig Park Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 23, pages 49-50 of the Recordes inthe Office of the Recorder of Allen County, Indiana,

Lot No. 88 in Ludwig Park Addition to the City of Fort Wayne, except that part of said Lot 88 conveyed to the State of Indiana for right of way for State Road No. 3 as recorded in Deed Record 585, pages 402-3,

Lot No. 89 in Ludwig Park Addition to the City of Fort Wayne, Allen County, Indiana subject to an easement of right of way for highway purposes to the State of Indiana,

Pt. of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, (Washingtown Twp), Allen County, Indiana, more particularly described as follows, to-wit: Beginning at the SE corner of the SW 1/4 of said SE 1/4; thence S 87 degrees 56 minutes W, on and along the S line of said SE 1/4, being also the centerline of Washington Center Road, 25.3 feet to the Easterly right of way of Indiana Hwy #3; thence Northerly on and along said right of way as follows: N 02 degrees 04 minutes W, a distance of 25.0 feet; thence N 61 degrees 35 minutes W, a distance of 76.0 feet; thence N 24 degrees 08 minutes 30 seconds a distance of 136.1 feet to the arc of a regular curve to the right having a radius 2785.79 feet; thence continuing along said right of way being the arc of said curve, 37.8 feet (the chord of which bears N 19 degrees 5 minutes W); thence N 87 degrees 56 minutes E and parallel to said S line, 149.1 feet to the E line of the SW 1/4 of said SE 1/4; thence S 03 degrees 09 minutes E, on and along said E line, 225.7 feet to the point of beginning, containing 0.514 acres of land, subject to Washington Center Road right of way,

Beginning at the SE corner of the SW 1/4 of the SE 1/4

of Sec. 15, T31N, R12 E, in Allen County, Indiana, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 225.7 feet, which shall be the actual beginning point of the following described real estate, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 178 feet; thence W on a line parallel to the S line of the aforesaid SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 267.3 feet to the E line of the Indiana Service Corporation right of way, thence in a southeasterly direction along the said E line of the Indiana Service Corporation right of way a distance of 185 feet, thence E parallel to the S line of the SE 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 218 feet to the place of beginning, containing one (1) acre of land more or less,

Beginning 558.2 feet N of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E; thence N along the E line of said quarter section 144.6 feet; thence W 311.5 feet; thence in a Southeasterly direction 145.8 feet to a point 292.3 feet W of the SE corner of the above described tract; thence E 292.3 feet to the place of beginning, containing one (1) acre of land, more or less, subject to legal highway,

Beginning 702.8 feet N of the SE corner of th SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E; thence N along the E line of said Quarter Section 136.2 feet; thence West 329.6 feet; thence in a Southwesterly direction 137.4 feet to a point 311.5 feet W of th SE corner of the above described tract; thence E 311.5 feet to the place of beginning, containing one (1) acre, more or less,

Part of the SW 1/4 of the SE 1/4 of Sec.15, T31N, R12E, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of said SW 1/4; thence S on and along the E line of said SW 1/4, a distance of 352.2 feet to the true point of beginning; thence continuing S on and along said E line, a distance of 128.8 feet; thence Westerly by an interior angle of 89 degrees 43 minutes and parallel to the N line of said SW 1/4, a distance of 329.6 feet to the Easterly right of way line of the former Toledo and Chicago Interurban Railway; thence Northwesterly by an interior angle of 97 degrees 50 minutes 30 seconds, on and along said Easterly right of way line 130.0 feet; thence Easterly by an interior angle of 82 degrees 09 minutes 30 seconds and parallel to said N line, 346.7 feet to the true point of beginning, containing 1.000 acres of land. Subject to legal right of way for Indiana State Road 3.

Beginning at the SE corner of the SW 1/4 of SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec.15, T31N, R12E, a distance of 229.5 feet to a point which shall be known as the place of beginning; thence S along the E line of said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 122.7 feet; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 346.7 feet to the E right of way line of the Indiana Service

Corporation; thence N along the E right of way line of the Indiana Service Corporation a distance of 123.9 feet to a point; thence E parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 363 feet to the place of beginning, containing one (1) acre of land, more or less,

Part of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana, more particularly described as follows: Commencing at the NE corner of the SW 1/4; thence S on and along the E line of said SW 1/4 a distance of 112.9 feet to the true point of beginning; thence continuing S on and along said E line, a distance of 116.6 feet; thence Westerly by an interior angle of 89 degrees 41 minutes and parallel to the North line of said SW 1/4, a distance of 310.4 feet to the Easterly right of way line of State Road 3 (Lima Road) as it presently exists; thence Northwesterly by an interior angle of 97 degrees 57 minutes, on and along said Easterly right of way line, 117.8 feet; thence Easterly by an interior angle 82 degrees 03 minutes and parallel to said N line 326.1 feet to the true point of beginning, containing 0.852 acre of land,

Beginning at the SE corner of the SW 1/4 of th SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 112.9 feet; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 378.5 feet to the E right of way line of the Indiana Service Corporation; thence N along the E right of way line of the Indiana Service Corporatin, a distance of 114.1 feet to the aforesaid N line of the SW 1/4 of the SE 1/4 of Sec.15; thence E along said N line of the SW 1/4 of Sec. 15; thence E along said N line of the SW 1/4 of the SE 1/4 of Sec. 15, a distance of 393.5 feet to the place of beginning, containing one (1) acre of land, more or less, in Allen County, Indiana, except all legal roads and highways.

and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

#357

BILL NO. Z-88-07-20

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot No. 53 Ludwig Park Addition to the City of Fort Wayne, recorded in Plat Record 23, pages 49 & 50, excepting therefrom the E 4 feet sold off as described in Deed Record 529, pg. 501,

Lot No. 54 Ludwig Park Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 23, pages 49-50 of the Recordes inthe Office of the Recorder of Allen County, Indiana,

Lot No. 55 in Ludwig Park Addition according to the Plat thereof recorded in Plat Record 23, pages 49-50 of the Records in the Office of the Recorder of Allen County, Indiana,

Lots No. 86, 87 & 88 in Ludwig Park Addition to the City of Fort Wayne, except that part of said Lot 88 conveyed to the State of Indiana for right of way for State Road No. 3 as recorded in Deed Record 585, pages 402-3,

Lot No. 89 in Ludwig Park Addition to the City of Fort Wayne, Allen County, Indiana subject to an easement of right of way for highway purposes to the State of Indiana,

Pt. of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, (Washingtown Twp), Allen County, Indiana, more particularly described as follows, to-wit: Beginning at the SE corner of the SW 1/4 of said SE 1/4; thence S 87 degrees 56 minutes W, on and along the S line of said SE 1/4, being also the centerline of Washington Center Road, 25.3 feet to the Easterly right of way of Indiana Hwy #3; thence Northerly on and along said right of way as follows: N 02 degrees 04 minutes W, a distance of 25.0 feet; thence N 61 degrees 35 minutes W, a distance of 76.0 feet; thence N 24 degrees 08 minutes 30 seconds a distance of 136.1 feet to the arc of a regular curve to the right having a radius 2785.79 feet; thence continuing along said right of way being the arc of said curve, 37.8 feet (the chord of which bears N 19 degrees 5 minutes W); thence N 87 degrees 56 minutes E and parallel to said S line, 149.1 feet to the E line of the SW 1/4 of said SE 1/4; thence S 03 degrees 09 minutes E, on and along said E line, 225.7

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feet to the point of beginning, containing 0.514 acres of land, subject to Washington Center Road right of way,

Beginning at the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12 E, in Allen County, Indiana, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 225.7 feet, which shall be the actual beginning point of the following described real estate, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 178 feet; thence W on a line parallel to the S line of the aforesaid SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 267.3 feet to the E line of the Indiana Service Corporation right of way, thence in a southeasterly direction along the said E line of the Indiana Service Corporation right of way a distance of 185 feet, thence E parallel to the S line of the SE 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 218 feet to the place of beginning, containing one (1) acre of land more or less,

Beginning 403.7 feet N of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E; thence North along the E line of the said Quarter Section 154.5 feet; thence W 292.3 feet; thence in a Southeasterly direction 155.7 feet to a point 267.3 feet W of the SE corner of the above described tract; thence E 267.3 feet to the place of beginning, containing one (1) acre, more or less,

Beginning 558.2 feet N of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E; thence N along the E line of said quarter section 144.6 feet; thence W 311.5 feet; thence in a Southeasterly direction 145.8 feet to a point 292.3 feet W of the SE corner of the above described tract; thence E 292.3 feet to the place of beginning, containing one (1) acre of land, more or less, subject to legal highway,

Beginning 702.8 feet N of the SE corner of th SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E; thence N along the E line of said Quarter Section 136.2 feet; thence West 329.6 feet; thence in a Southwesterly direction 137.4 feet to a point 311.5 feet W of th SE corner of the above described tract; thence E 311.5 feet to the place of beginning, containing one (1) acre, more or less,

Part of the SW 1/4 of the SE 1/4 of Sec.15, T31N, R12E, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of said SW 1/4; thence S on and along the E line of said SW 1/4, a distance of 352.2 feet to the true point of beginning; thence continuing S on and along said E line, a distance of 128.8 feet; thence Westerly by an interior angle of 89 degrees 43 minutes and parallel to the N line of said SW 1/4, a distance of 329.6 feet to the Easterly right of way line of the former Toledo and Chicago Interurban Railway; thence Northwesterly by an interior angle of 97 degrees 50 minutes 30 seconds, on and along said Easterly right of way line 130.0 feet; thence Easterly by an interior angle of 82 degrees 09 minutes 30 seconds and parallel to said N line, 346.7

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feet to the true point of beginning, containing 1.000 acres of land. Subject to legal right of way for Indiana State Road 3.

Beginning at the SE corner of the SW 1/4 of SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec.15, T31N, R12E, a distance of 229.5 feet to a point which shall be known as the place of beginning; thence S along the E line of said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 122.7 feet; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 346.7 feet to the E right of way line of the Indiana Service Corporation; thence N along the E right of way line of the Indiana Service Corporation a distance of 123.9 feet to a point; thence E parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, a distance of 363 feet to the place of beginning, containing one (1) acre of land, more or less,

Part of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana, more particularly described as follows: Commencing at the NE corner of the SW 1/4; thence S on and along the E line of said SW 1/4 a distance of 112.9 feet to the true point of beginning; thence continuing S on and along said E line, a distance of 116.6 feet; thence Westerly by an interior angle of 89 degrees 41 minutes and parallel to the North line of said SW 1/4, a distance of 310.4 feet to the Easterly right of way line of State Road 3 (Lima Road) as it presently exists; thence Northwesterly by an interior angle of 97 degrees 57 minutes, on and along said Easterly right of way line, 117.8 feet; thence Easterly by an interior angle 82 degrees 03 minutes and parallel to said N line 326.1 feet to the true point of beginning, containing 0.852 acre of land,

Beginning at the SE corner of the SW 1/4 of th SE 1/4 of Sec. 15, T31N, R12E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 112.9 feet; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 378.5 feet to the E right of way line of the Indiana Service Corporation; thence N along the E right of way line of the Indiana Service Corporatin, a distance of 114.1 feet to the aforesaid N line of the SW 1/4 of the SE 1/4 of Sec.15; thence E along said N line of the SW 1/4 of Sec. 15; thence E along said N line of the SW 1/4 of the SE 1/4 of Sec. 15, a distance of 393.5 feet to the place of beginning, containing one (1) acre of land, more or less, in Allen County, Indiana, except all legal roads and highways.

and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force

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and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCAULAY, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Redd, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council ~~Conference~~ Room 128, ~~City-County~~ Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at 1 o'clock PM.,E.S.T.

DATE: 7-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	7				2
BRADBURY					✓
BURNS	✓				
GiaQUINTA					✓
HENRY	✓				
LONG	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 6-13-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-06-89

on the 13th day of June, 19 89,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of June, 19 89, at the hour of 10:00 o'clock _____.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of June, 19 89, at the hour of 5:15 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.Z. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

ck # 13461

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

№ 2789

FT. WAYNE, IND., 6-17 1988

RECEIVED FROM Beers, Mallers, et al $ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF

rezoning - Lima Road

[illegible]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIVED
JUN 17 1988
FORT WAYNE
CITY PLANNING COMMISSION

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We See Exhibit "A" attached hereto and incorporated herein by reference
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from an R-1 District to a B-1-B District the property described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

See Exhibit "B" attached hereto and incorporated herein by reference

(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinar being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Peter G. Mallers, II	1100 Fort Wayne Bank Bldg. Fort Wayne, IN 46802	(219) 426-9706
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

	Legal Description	Document No.	Address	Owner(s)
1.	Lot No. 53 Ludwig Park Addn. to the City of Fort Wayne as recorded in Plat Record 23, pages 49 & 50, excepting therefrom the E 4 feet sold off as described in Deed Record 529, pg. 501	77-01613	6334 Lima Road Fort Wayne, IN	Hite, Ray & Joyce A.
2.	Lot No. 54 Ludwig Park Addn. to the City of Fort Waune, according to the Plat thereof reocrded in Plat Record 23, pages 49-50 of the Records in the office of the Recorder of Allen County, Indiana.	87-56654	6314 Lima Road Fort Wayne, IN	Bruggeman, Patrick J.
3.	Lots No. 55 in Ludwig Park Addn. according to the Plat thereof recorded Plat Record 23, pages 49-50 of the Records in the office of the Recorder of Allen County, Indiana	77-19137	1514 Orlando Dr. Fort Wayne, IN	Leininger, Ted A. & Marjorie I.
4.	Lots No. 86, 87 & 88 in Ludwig Park Addn. to the City of Fort Wayne, except that part of said Lot 88 conveyed to the State of Ind. for right-of-way for State Road No. 3 as recorded in Deed Record 585, pages 402-3.	Cause No. 15706 Allen Superior Court	None Assigned	Halmagy, Juliana
5.	Lot No. 89 in Ludwig Park Addn. to the City of Fort Wayne, Allen County, Indiana, subject to an easement of right-of-way for highway purposes to the State of Indiana	87-28366	6224 Lima Road Fort Wayne, IN	Debra A. Baer
6.	Pt. of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E (Wash. Twp.), Allen County, Indiana, more particularly described as follows, to-wit: Beginning at the SE corner of the SW 1/4 of said SE 1/4; thence S 87°-56; W, on and along the S line of said SE 1/4, being also the centerline of Washington Center Rd., 25.3 ft. to the Easterly right-of-way of Indiana Hwy. 3; thence Northerly on and along said right-of-way as follows: N 02°-04' W, a distance of 25.0 ft.; thence N 61°-35' W, a distance of 76.0 feet; thence N 24°-08'-30" a distance of 136.1 feet to the arc of a regular curve to the right having	77-26703	5918 Lima Road Fort Wayne, IN	Dale H. Scherer

	a radius 2785.79 feet; thence continuing along said right-of-way being the arc of said curve, 37.8 feet (the chord of which bears N 19°-5' W); thence N 87°-56' E and parallel to said S line, 149.1 feet to the E line of the SW 1/4 of said SE 1/4; thence S 03°-09' E, on and along said E line, 225.7 feet to the point of beginning, containing 0.514 acres of land, subject to Washington Center Road right-of-way			
7.	Beg. at the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, in Allen County, Indiana, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 225.7 feet, which shall be the actual beginning point of the following described real estate, thence N along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 178 ft., thence W on a line parallel to the S line of the aforesaid SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 267.3 feet to the E line of the Indiana Service Corporation right-of-way, thence in a southeasterly direction along the said E line of the Indiana Service Corporation right-of-way a distance of 185 feet, thence E parallel to the S line of the SW 1/4 of the SE 1/4 of Sec. 15, Twp 31 N, Range 12 E a distance of 218 feet to the place of beginning, containing one (1) acre of land more or less.	B.543, P.553	5938 Lima Road Fort Wayne, IN	Meyer, Harry E. & Ethel W.
8.	Beginning 403.7 ft. N of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E; thence North along the E line of the said Quarter Section 154.5 feet; thence W 292.3 ft.; thence in a Southeasterly direction 155.7 feet to a point 267.3 feet W of the SE corner of the above described tract; thence E 267.3 feet to the place	B.412, P.173	6008 Lima Road Fort Wayne, IN	Warren, James D. and Erma

	of beginning, containing one (1) acre, more or less.			
9.	Beg. 558.2 feet N of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E; thence N along the E line of said quarter section 144.6 ft.; thence W 311.5 ft.; thence in a Southeasterly direction 145.8 ft. to a point 292.3 ft. W of the SE corner of the above described tract; thence E 292.3 ft. to the place of beginning, containing one (1) acre of land more or less, subject to legal highway.	77-33562	6024-6026 Lima Road Fort Wayne, IN	Nancy L. Maines
10.	Beg. 702.8 ft. N of the SE corner of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E; thence N along the E line of said 1/4 section 136.2 feet; thence West 329.6 ft.; thence in a Southwesterly direction 137.4 feet to a point 311.5 ft. W of the SE corner of the abovedescribed tract; thence E 311.5 ft. to the place of beginning, containing 1 acre, more or less.	87-41762	10630 Lima Road Fort Wayne, IN	Jack H. Brand
11.	Pt. of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of said SW 1/4; thence S on and along the E line of said SW 1/4, a distance of 352.2 ft. to the true point of beginning; thence continuing S on and along said E line, a distance of 128.8 ft.; thence Westerly by an interior angle of 89° 43' and parallel to the N line of said SW 1/4, a distance of 329.6 feet to the Easterly right of way line of the former Toledo & Chicago Interurban Railway; thence Northwesterly by an interior angle of 97° 50' 30", on and along said Easterly right of way line, 130.0 feet; thence Easterly by an interior angle of 82° 09' 30" &	77-30564	6112 Lima Road Fort Wayne, IN	Jones, Elvin E. & Ginger E.V.

	parallel to said N line, 346.7 ft. to the true point of beginning, containing 1.000 acres of land. Subject to legal right of way for Indiana State Road 3.			
12.	Beg. at the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 229.5 ft. to a point which shall be known as the place of beginning; thence S along the E line of said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 122.7 feet; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E a distance of 346.7 ft. to the E right of way line of the Indiana Service Corporation; thence N along the E right of way line of the Indiana Service Corporation a distance of 123.9 feet to a point; thence E parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, a distance of 363 ft. to the place of beginning, containing 1 acre of land, more or less.	85-37734	6126 Lima Road Fort Wayne, IN	Antoniuk, Ronald & Terry Gleave
13.	Part of the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, in Allen County, Indiana more particularly described as follows: Commencing at the NE corner of the SW 1/4; thence S on and along the E line of said SW 1/4 a distance of 112.9 ft. to the true point of beginning; thence continuing S on and along said E line, a distance of 116.6 ft.; thence Westerly by an interior angle of 89 degrees 41 minutes and parallel to the North line of said SW 1/4, a distance of 310.4 ft. to the Easterly right-of-way line of State Road 3 (Lima Road) as it presently exists; thence	86-009619	6138 Lima Road Fort Wayne, IN	American Security Corp.

	Northwesterly by an interior angle of 97° 57", on and along said Easterly right-of-way line, 117.8 feet; thence Easterly by an interior angle 82° 03' and parallel to said N line 326.1 ft. to the true point of beginning, containing 0.852 acre of land.			
14.	Beg. at the SE corner of the SW 1/4 of the SE 1/4 of Sec. 15, Twp. 31 N, Range 12 E, in Allen County, Indiana; thence S along the E line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 112.9 ft.; thence W parallel with the N line of the said SW 1/4 of the SE 1/4 of Sec. 15, a distance of 378.5 ft. to the E right of way line of the Indiana Service Corporation; thence N along the E right of way line of the Indiana Service Corporation, a distance of 114.1 ft. to the aforesaid N line of the SW 1/4 of the SE 1/4 of Sec. 15; thence E along said N line of the SW 1/4 of Sec. 15; thence E along said N line of the SW 1/4 of the SE 1/4 of Sec. 15, a distance of 393.5 ft. to the place of beginning, containing 1 acre of land, more or less, in Allen County, Indiana, except all legal roads and highways.	B.478,P.458	6210 Lima Road Fort Wayne, IN	Yates, Erwin E. & Leona

	Name	Address	Signature
1.	Patrick J. Bruggeman	P. O. Box 10720	
		Fort Wayne, IN 46853	
2.	Ronald Antoniuk	6127 Lima Road, Ft. Wayne, In 46818	
	Ted & Marjorie Leininger		
3.	Nancy L. Maines	6024 Lima Rd., Ft. Wayne, IN 46818	
	James D. Warren	6008 Lima Rd., Ft. Wayne, IN 46818	
4.	Erma E. Warren	Same	
	Dale H. Scherer	P. O. Box 10393, Ft. Wayne, 46852	
5.	Same	Same	
	Roger E. Heitger	American Security Corp. 1502 W. Till Rd., 46825	
6.	Erwin E. Yates	6210 Lima Rd., Ft. Wayne, IN 46818	
	Leona Yates	Same	
7.	Jack Brand	6040 Lima Rd., Ft. Wayne, IN 46818	
8.			
9.			
10.	Peter G. Mallers, II Atty.	1100 Ft. Wayne Bank Bldg. Fort Wayne, IN 46802	Atty. On Behalf of ~~Above~~ Property Owne
12.			
13.			
14.			
15.			
16.			
17.			

EXHIBIT "B"

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-20.

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1989.

Certified and signed this
11th day of May 1989.

Robert Hutner
Secretary

FACT SHEET

Z-88-07-20
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From R-1 to B-1-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
The East side of Lima Road from Washington Ctr Road, north to Ludwig Road.

Reason for Project
Commercial Development

Discussion (Including relationship to other Council actions)

18 July 1988 - Public Hearing

Minutes of Meeting are Attached

25 July 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, subject to the petitioner satisfying the following conditions.

1) Provide a revised legal description.

2) Submit a landscape plan for the perimeter of the petition area (where it abuts residential properties), for the approval of the C&ED Landscape Architect. This landscape buffer should include both landscape plant materials and fencing, and should consist of a 20 to 30 ft wide perimeter screen of 5 to 6 ft high wooden fence located 20 to 30 ft from the lot lines where plantings are to be provided.

3) Petitioner is to provide a recorded document, in a form acceptable to the Commission's attorney, that provides for the

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Property Owners Listed On Petition **City Department** **Other**
Opponents	**Groups or Individuals** Bill Swisher, Pres Ludwig Pk Association **Basis of Opposition** -traffic congestion -devalue residential property in area
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

following items:
a) Grant of a forty (40) foot wide ingress/ egress easement along the front of the subject property, to be used as a frontage road. (Such frontage road to serve as access for all properties and not necessarily required to be a full 40 feet on each parcel.

b) Construction, and maintenance of such frontage road to applicable City Standards, when directed to do so by the City of Fort Wayne, and upon elimination of residential use of the individual property.

c) Any existing driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department of the City of Fort Wayne.

d) Any obstruction to the frontage road including sight obstructions, shall be removed at the owners expense.

NOTE: On January 9th of this year the Commission granted the petitioners a 60 day extension in which to satisfy the conditions. On February 27th the petitioners attorney submitted a letter of commitment agreeing to comply with the landscape buffering and on March 27th the frontage road document was submitted. One property owner has refused to participate in the frontage road agreement, and has not complied with the conditions placed by the Plan Commission.

The Plan Commission at their April 24, 1989 Business Meeting voted to amend the original petition by deleting from the petition the property of the petitioner who would not comply with the conditions of the Commission.

Of the nine members present, eight (8) voted for the motion, one (1) did not vote. Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 17 June 1988

Projected Completion or Occupancy **Date** 11 May 1989

Fact Sheet Prepared by **Date** 11 May 1989

Patricia Biancaniello

Reviewed by **Date** May 15, 1989

Reference or Case Number

c. Change of Zone #357
From R-1 to B-1-B
Property fronting on the East side of Lima Road from Washington Center Road north to Ludwig Park Drive.

Pete Mallers, attorney, appeared before the Commission. Mr. Mallers stated that there is a total of 16 parcels and 14 owners. He stated that there are 3 lots in between Ludwig Park Drive and Orlando Drive and 4 lots to the south of Orlando Drive, all of which are part of Ludwig Park Addition. He stated the remaining lots from this point, south to Washington Center Road are not a part of any subdivision. He stated that it is the petitioners belief that the Lima Road Corridor is well suited for commercial development. He stated that it is becoming increasingly commercial and the west side, although not part of the city, has been rezoned for commercial purposes including a shopping center development. He stated that they feel that the property is not best suited for residential use, and that the highest and best use for the land is limited commercial. He stated that the Comprehensive Plan indicates support for limited commercial use along this corridor. He stated that the approval by staff is conditioned upon the submittal of a landscape plan which they are more than willing to do. He stated that the second condition is that of a frontage road concept. He stated they are willing to comply with that condition also. He stated though that he would like to discuss two minor qualifications to the frontage road condition. He stated that he would like to confirm that the city would not require the construction of a frontage road until such time as a commercial development plan has been proposed. He stated that they do have several residential structures on the properties and it may be some time before those parcels of land are sold and developed commercially. He stated that the second qualification is in regard to the lots to the south fronting on Lima Road. If required to put in a 40 foot frontage road and grant it as an easement for public use, it would effectively deprive these lots of any use at all. He stated that they are willing to comply with the frontage road requirement, however they would like some assurance that at such time as development occurs to the south end of the tract that arrangements can be made so that there will not be an effective taking of all this land. He stated that he was aware no commitment could be made at this point, but they feel due to the configuration of these lots that some sort of consideration in that regard would be necessary. He stated they would like some assurance that this development would be handled on a case by case basis.

Yvonne Stam questioned if the lots in Ludwig Park were covered by a Restrictive Covenant that would restrict there use to single family residential and if they had amended the restrictive covenants.

Pete Mallers stated there is a covenant on the lots in Ludwig Park but was not sure if it restricted it to single family, it does restrict it to residential use. He stated they had not

gotten the covenants lifted, but they were well aware of that as a requirement. He stated that they would like the Commission to consider their petition despite the restrictive covenant. He stated that they are aware that the Commission considers restrictive covenants to be private contracts between the owners in the subdivision. He stated they will consider that their concern and hope the Covenant will not effect the Commission's decision.

The following people spoke in opposition to the proposed rezoning.

Bill Swisher, 904 Pelham Drive, President of the Ludwig Park Assn
Nancy Kloha, 816 Ludwig Park Drive, appeared before the Commission and presented her opposition in the form of a letter to the Commission.
Robert Pranger, 726 Ludwig Park Drive
Tom Henry, 2211 Schomburg Drive, 3rd District Councilman
John Talarico, 1430 Pelham Drive
Bob Myers, 1015 Orlando Drive
John Clifton, attorney for the Ludwig Park Association

Mr. Clifton presented the Commission with a petition containing 350 signatures of the people in Ludwig Park in opposition to the rezoning. Mr. Clifton stated that 7 of the lots are in the Ludwig Park Subdivision and subject to the restrictive covenants. He stated that in order to waive those restrictions it would take at least 3/4 of the residents within the Ludwig Park Subdivision to sign. He stated that with regard to the land located north of Orlando Drive, Lots 54 & 55, the people interested in developing are proposing a Burger King Restaurant on those lots. He stated that they have sought to avoid a designation of "spot zoning" and have included therein the remaining lots in Ludwig Subdivision immediately south, Lots 86, 87, 88, & 89 along with approximately 9 parcels of metes and bounds property, which he understood was under option to one individual at the present time. He stated that the Commission could imagine the traffic congestion which would result from the allowance of a change of zoning to a B-1-B District and all of the things that go along with the operation of a fast food restaurant, particularly adjacent to homes in a residential subdivision. In addition, people who go to restaurant, have little regard if they are on foot and out of their cars, whose property they walk on or whose property they throw their trash onto. He stated that in addition the odor of a fast food restaurant is not something that can be stopped by shrubbery or planting or other types of barriers. He stated further the real particular problem they find is the fact that lot 55 and lots 87 & 86 are not located along Lima Road, they begin the progression of a proposed commercial use down a residential street. He stated that for that reason they fail to see if this were to be permitted why someone would come back and want 85, 85, 56, 57, & 58 rezoned for commercial. He stated that because this neighborhood has stood up for its continued existence and fought encroachment and unwise development in the

past, it has maintained its vitality. He stated that the western boundary line of the property from a buffer standpoint is Lima Road. He stated the problem is that when you begin coming down Orlando Drive with commercial uses that you are going to wind up with the total erosion of the neighborhood.

Nancy Maines, 6024 Lima Road, stated she was not in the Ludwig Park Subdivision. She stated that this property is no longer a residential area. She stated they have a Signature Inn across the road and gas stations to the south, a new restaurant. She said for the people on Lima Road it is no longer a residential neighborhood.

In rebuttal Pete Mallers stated that Ludwig Park Association is a fine association. He stated that they recognize the concerns of the association but they also recognize that there is certain property that is more suitable for particular uses than others. He stated that several of the lots that are part of the petition are vacant. He stated that lots 54, 86, 87 & 88 are all vacant, and he seriously questioned whether or not those lots will ever have residential development on them. He stated that the reason for the petition being as extensive as it is was in order to avoid spot zoning, they felt that this would provide for orderly and responsible growth and development. He requested that his petition not be compared to prior petitions for rezoning in the area. He stated that with regard to traffic congestion as part of their plan, which has not been submitted, they are not intending to allow access from or to Ludwig Park Drive or Orlando Drive. He stated that the frontage road concept is being implemented to minimize the traffic congestion. He stated that they are willing to withdraw from the petition Lots 55, 86 & 87. He stated that leaves only the lots that are contiguous to Lima Road as part of the petition. He stated that he would respectfully request the Commission to consider the goals of the Comprehensive Plan, they believe that this is going to accommodate the need and desire for orderly and responsible growth. He stated that they respectfully request they consider the highest and best use for the property. He stated there are vacant lots that will not be developed for residential uses and are already commercial uses within this tract. He stated that the west side of Lima Road is extensively commercial, Washington Center Road is extensively commercial. He stated that this is to be a commercial corridor that is considered the best and highest use. He stated that if there are restrictive covenants that apply to any portion of this property they are willing to deal with them and would request the Commission not to consider in any negative light because of the restrictive covenants, that is the developer's problem.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

#357. ORIGINAL

ORIGINAL
Amended
2-88-07-20

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Property fronting on the East side of Lima Road from Washington Center Road North to Ludwig Park Drive.

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-88-07-20 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 6-13-85

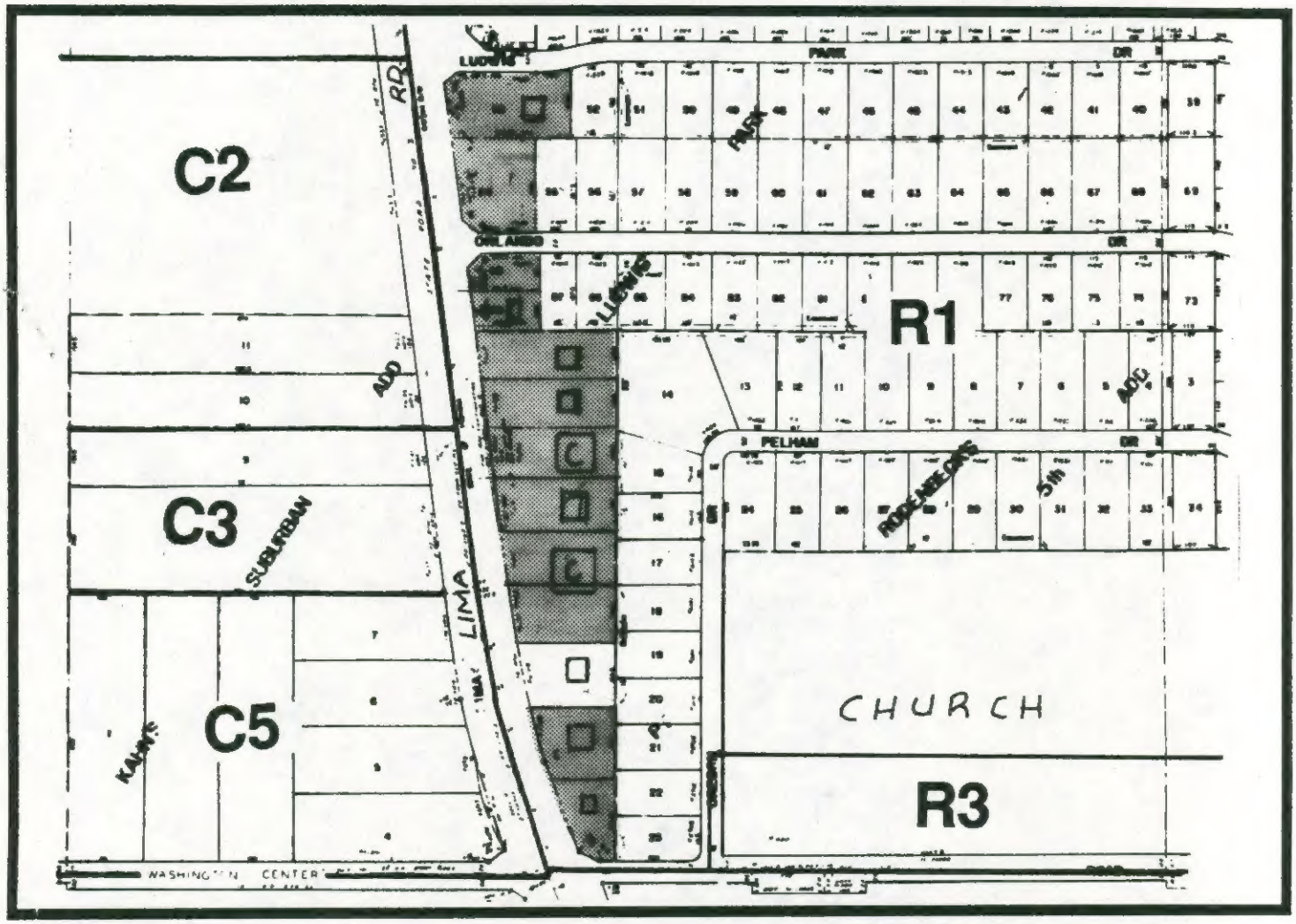
Sandra E. Kennedy
City Clerk

REZONING PETITION #357

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A B1B DISTRICT.

MAP NO. K-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

C2 PLANNED SHOPPING CENTER

C3 PLANNED GENERAL COMMERCIAL

LAND USE:

☐ *SINGLE FAMILY*

[C] *COMMERCIAL*

Z-88-07-20 (AS AMENDED)

lw

SCALE: 1" = 200'

DATE: 6-24-88

N